

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.

HENRIETTA GOODWIN,
Plaintiff

COMPLAINT

v.

**PLAINTIFF CLAIMS
TRIAL BY JURY**

BRITISH AIRWAYS PLC,
Defendant

Introduction

The Plaintiff, Henrietta Goodwin, through her Attorneys, Kreindler & Kreindler LLP, brings this action against British Airways PLC for personal injuries sustained during an international flight operated by the defendant on an airline ticket issued in the United States. This action is governed by the Warsaw Convention and/or the Montreal Convention of 1999, also known as the Convention for the Unification of Certain Rules for International Carriage by Air.

The Parties

1. The plaintiff, Henrietta Goodwin, is a citizen of the Commonwealth of Massachusetts and a resident of Melrose, Middlesex County.
2. The defendant, British Airways PLC ("British Airways"), is believed and therefore alleged to be a corporation organized under the laws of the United Kingdom.
3. British Airways has regular operations at Logan International Airport in Boston, Massachusetts, including flights originating and terminating at Logan International Airport in Boston, Massachusetts.
4. British Airways provides coordinated ticketing and operation of flights from the United States to England, Paris and other destinations.
5. British Airways regularly conducts business in the Commonwealth of Massachusetts through its operation of flights to and from Logan Airport in the City of Boston, Suffolk County.
6. British Airways has a regular place of business at Logan International Airport in Boston, Massachusetts.

7. British Airways operates flights in and out of Logan International Airport in the City of Boston, Suffolk County, from which it operates as an air carrier providing international flights between the United States and foreign countries.

Jurisdiction And Venue

8. This action arises out of and is governed by the Convention for the Unification of Certain Rules Relating to International Transportation by Air, October 12, 1929, 49 Stat. 3000, 2 Bevans, 983, 137 L.N.T.S. 11 (the "Warsaw Convention"), as altered by the Convention for the Unification of Certain Rules for International Carriage by Air (the "Montreal Convention 1999") and related agreements and protocols.
9. This Court has jurisdiction over this matter pursuant to Article 33 of the Montreal Convention 1999, in that the plaintiff's principal and permanent residence is in the United States, and the defendant is an air carrier that provides services for the carriage of passengers by air using either its own aircraft or another carrier's aircraft pursuant to a code share or other commercial agreement within the meaning of the Convention.
10. The subject flight involved "international carriage" as defined under Article one of the Montreal Convention 1999.
11. The plaintiff's injuries alleged herein resulted from an "accident" on board the defendant's aircraft in the course of international carriage within the meaning of the Montreal Convention 1999.
12. Personal jurisdiction exists over the defendant by virtue of its ongoing business dealings in the Commonwealth of Massachusetts, where it operates coordinated code share flights, with arriving and departing flights in the Commonwealth of Massachusetts on a regular basis. The plaintiff's claim arises out of the defendant's transaction of business and supplying of services in the Commonwealth, in that the plaintiff's claim relates to personal injuries sustained on a British Airways aircraft during a flight from London to Paris, which was part of a single contract for carriage on a ticket issued to the plaintiff in the Commonwealth of Massachusetts, with plaintiff's initial departure and ultimate destination in Boston, Massachusetts.

Plaintiff's Claim for Personal Injuries Pursuant to Articles 17 and 21 of the Montreal Convention 1999

13. On April 17, 2008, the plaintiff was a fare-paying passenger on British Airways Flight 304, traveling from London Heathrow to Paris deGaulle Airport.
14. While she was in the process of disembarking the plane after landing in Paris, the plaintiff suffered serious injury, a fracture to her left ankle, which to date has required multiple surgical and other on-going medical care.
15. The plaintiff sustained bodily injury as a result of an "accident" while disembarking a British Airways aircraft, within the meaning of Article 17 of the Montreal Convention 1999.

16. Pursuant to the provisions of Article 17 of the Montreal Convention 1999, the defendant is liable for damages sustained by the plaintiff as a result of the injuries she suffered as a result of the accident on board Flight 304 on April 17, 2008.
17. The plaintiff's injuries occurred as a result of the defendant's negligence or other wrongful act within the meaning of Article 21 of the Montreal Convention 1999, and the defendant therefore is liable for damages exceeding 100,000 Special Drawing Rights as provided in Article 21.
18. The defendant, acting by and through Flight 304's cabin and cockpit crew and other employees, failed to take all necessary precautions to prevent the accident that resulted in plaintiff's injury during Flight 304 on April 17, 2008.
16. As a direct and proximate result of the foregoing, the plaintiff, suffered severe and permanent injuries, was rendered unable to engage in her usual occupation and activities, and suffered physical pain and mental suffering.
17. As a direct and proximate result of the foregoing, the plaintiff is entitled to recover all elements of damages allowable under law, including damages for the following: medical expenses; loss of impairment of earning capacity; economic losses; physical and mental pain and suffering; and all other damages recoverable under the laws of damages applicable to this action.

WHEREFORE, the Plaintiff demands judgment against the Defendant, in an amount that provides full and fair compensation for the injuries and damages she suffered, plus interest and costs.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Respectfully submitted,
Henrietta Goodwin
By Her Attorneys

/s/ James D. Gotz

James D. Gotz, Esq.
BBO# 567157
Kreindler & Kreindler LLP
277 Dartmouth Street
Boston, MA 02116
(617) 424-9100

DATE: March 26, 2009